

**FILED**

**MAR 29 2006**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND**

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**UNITED STATES OF  
AMERICA,**

**No. CR 06-00189 SBA (WDB)**

**Plaintiff,**

**DETENTION ORDER**

**v.**

**Bobby Ray Williams,**

**Defendant.**

For the reasons set forth below, the court finds that the government has shown, on the basis of clear and convincing evidence, that there is no combination of conditions on which Mr. Williams could be released at this juncture that would reasonably assure the safety of the community. It follows that the court must ORDER MR. WILLIAMS DETAINED.

Mr. Williams has been indicted on three serious felony drug charges. He is alleged to have participated (over a sixth month period that ended just two weeks ago) in a conspiracy to sell large quantities of cocaine, cocaine base, and methamphetamine. He also is charged with distributing cocaine on December 12,

1 2005, and with distributing 50 grams or more of pure methamphetamine on January  
2 4, 2006.

3 Under the first and third counts, Mr. Williams could be sentenced to life  
4 imprisonment – and because he has a prior felony conviction for drug trafficking he  
5 would be facing a mandatory minimum 20 year prison term on each of those two  
6 counts if he is convicted. His prison exposure on count two (selling cocaine) is 30  
7 years.

8 The weight of the evidence against Mr. Williams is substantial. He was the  
9 primary target of the five month wiretap that generated much of the evidence on  
10 which the indictment is based. He was overheard numerous times in intercepted  
11 phone conversations discussing drug deals and weapons. In one such conversation  
12 in mid-November of last year he sought to confirm with his wife that she had taken  
13 a gun into the house. She assured him that she had – and told him she had put it  
14 under a sweater (apparently in a closet). On a separate occasion, later that month, he  
15 asked co-defendant Montgomery about the whereabouts of a particular Glock pistol.  
16 It also is noteworthy that agents found 200 grams of cocaine during the search of one  
17 of the properties that the defendant's wife owns (one of the properties she offered as  
18 security for a bond).

19 It is against this backdrop of very serious pending charges that are supported  
20 by weighty evidence that we consider other factors pertinent to the issue of danger to  
21 the community. We begin by noting that Mr. Williams, while still in his early thirties,  
22 has suffered at least six felony convictions, eight misdemeanor convictions, at least  
23 one parole violation and at least one violation of probation. He was on probation  
24 when he engaged in the conduct giving rise to the current indictment – and the  
25 probation authorities in Contra Costa County have indicated that they intend to  
26 initiate revocation proceedings as this case proceeds.

1 Mr. Williams' long criminal record began when he was a juvenile and has  
2 continued essentially uninterrupted (except by substantial periods of incarceration)  
3 since then. As early as 1988 he was sent to Juvenile Hall as a result of selling cocaine  
4 base. Two years later he was charged again with the same offense – but suffered no  
5 conviction because of a diversion. Since then, he has been charged repeatedly and  
6 convicted often of crimes involving drugs, guns, and/or physical violence. He also  
7 has two convictions for evading authorities or obstructing justice. There is no  
8 indication from this record that the sanctions the criminal justice system can impose  
9 have caused him to change his ways or have deterred him from committing new  
10 crimes.

11 This pattern of consistently violating the criminal law gives more significance  
12 to other facts that support a deep concern in the court that Mr. Williams does not  
13 respect or intend to honor duties under the law or to other persons. His sister reports  
14 that he has some 13 children in addition to the two he has had with his current wife  
15 and the two he had with an earlier spouse. Co-defendant Tanya Walton reports that  
16 she has been in a romantic relationship with Mr. Williams for the past four years and  
17 has a one-year old son whom Mr. Williams fathered – all while Mr. Williams has  
18 been married to Ms. Woods and has fathered, through her, an 8 month old baby and  
19 a two year old daughter. Mr. Williams claims to have operated a landscaping  
20 business during the past several years – and during the detention hearing he asserted  
21 (through counsel) that he has committed income from that business to support of his  
22 children. This assertion, however, is directly contradicted by what he told Pretrial  
23 Services – and by what Pretrial Services was told by his wife and Ms. Walton, both  
24 of whom said that Mr. Williams does not contribute to the support of any of his  
25 children.

26 Mr. Williams also admitted to Pretrial Services that he is currently unemployed  
27 and that he has no license to operate a business. His wife could not confirm that he  
28

1 operated a landscaping business in the past – only that he has done “odd jobs off and  
2 on.” Mr. Williams has filed no income tax returns and has pointed to no other  
3 evidence to support his assertion that he has run a legitimate business. Nor has he  
4 pointed to any evidence that for the past several years he has had significant income  
5 from any lawful source – or that he has made any significant financial contributions  
6 to the support of his numerous children. He identifies no significant assets – and has  
7 acquired no special skills or training. In sum, he has had little or no gainful  
8 employment and has contributed little or nothing to the support of the persons he is  
9 responsible, under the law, to support.

10 Where is Mr. Williams’ sense of connection, his understanding of what it  
11 means to have a duty or an obligation?

12 To rebut the inferences Congress created (based on the nature of the charges)  
13 and that the facts described above support, Mr. Williams proffers four sureties, only  
14 one of whom, his wife (Ms. Woods), has property to post. Unfortunately, the proffer  
15 of support (and property commitments) by Ms. Woods, his wife, is compromised by  
16 several considerations. One is the government’s proffer that intercepted phone  
17 conversations between the defendant and his wife indicate that she has had clear  
18 knowledge that the defendant had a gun in the house (she put it there at his request)  
19 and that she knew or had substantial reason to believe that defendant was engaged in  
20 illegal drug trafficking. Another, less ominous consideration, is the fact that it was  
21 in one of the houses that she owns that agents found 200 grams of cocaine and two  
22 of the defendants in this case. Ms. Woods also advised Pretrial Services that she  
23 knew the defendant had used marijuana in the past. It is not clear that she knew about  
24 the defendant’s relationship with co-defendant Walton or the one-year old child that  
25 the defendant fathered with Ms. Walton – but the latter facts make the court worry  
26 that the prospect of causing financial harm to Ms. Woods (by violating terms of  
27 pretrial release) would not have a substantial deterrent effect on Mr. Williams.

1           Given all these considerations, the court cannot identify any conditions of  
2 pretrial release (including full-time residence in a half-way house) that would provide  
3 the required reasonable assurance that if Mr. Williams were released he would abide  
4 by the law and resist the temptation to continue (through intermediaries) to engage  
5 in criminal activity.

6  
7           The court ORDERS Mr. WILLIAMS DETAINED.

8  
9           IT IS SO ORDERED.

10          March 29, 2006.

11 

12           WAYNE D. BRAZIL

13           United States Magistrate Judge

14  
15          Copies to: All parties, SBA,

16           WDB, Stats, 2 certified copies to the US Marshal  
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